

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CHARLES ROMOFF, derivatively on behalf of
SYNACOR, INC.,

Plaintiff,

vs.

HIMESH BHISE, WILLIAM J. STUART,
ELISABETH B. DONOHUE, MARWAN
FAWAZ, GARY L. GINSBERG, ANDREW
KAU, JORDAN LEVY, MICHAEL J.
MONTGOMERY, and SCOTT MURPHY,

Defendants,

and

SYNACOR, INC.,

Nominal Defendant.

C.A. No. 18-cv-1943-CFC

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE PURSUANT TO
F.R.C.P. 41(a)(1)(A)(i)**

Pursuant to F.R.C.P. 41(a)(1) and 23.1(c) of the Federal Rules of Civil Procedure, Plaintiff Charles Romoff (“Plaintiff”) hereby gives notice that the above-captioned action is voluntarily dismissed *WITHOUT* prejudice against the defendants and nominal defendant, Synacor, Inc. (“Synacor”) (collectively, “Defendants”).

Voluntary dismissal is appropriate under Fed. R. Civ. P. 41(a)(1) given that Defendants have not answered the complaint or filed a motion for summary judgment.

Notice of this voluntary dismissal is not required under Fed. R. Civ. P. 23.1(c) because: (i) the dismissal is without prejudice to the ability of any Synacor shareholders, or Synacor itself, to

pursue the claims; (ii) there has been no settlement or compromise of this action; (iii) there has been no collusion among the parties to this action; and (iv) neither Plaintiff nor his counsel has received or will receive directly or indirectly any consideration from any of the Defendants for the dismissal.

Dated: May 9, 2019

Respectfully submitted,

FARNAN LLP

OF COUNSEL:

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